IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

OP.No. 22859 of 1997(U)

PETITIONER:

M/HAMZA, S/O. MACHINGAL MUHAMMED, HAJI,
SECRETARY, AL-HILAL BOARDING MADRASSA,
PADAPPARAMBA, VATTALOOR P.O.

BY ADV. SRI.T.H.ABDUL AZEEZ

RESPONDENTS:

ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL MAJOR SECTION,
K.S.E.B., MALAPPURAM

BY ADV. SRI.R.K.VENU NAYAR, SC, KSEB
SRI.A.SUDHI VASUDEVAN, SC. KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.40929/1997 IN OP. NO.22859/1997

CLOSED

13.06.2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE LETTER NO.GBII/3571/90/2858/13.9.90/ DT. 6.10.90 ISSUED BY THE DEPUTY CHIEF ENGINEER, ELECTRICAL CIRCLE, MANJERI.

EXT.P2:- COPY OF THE ORDER IN OP. 1032/93 DT. 2.2.95 OF THE CONSUMER DISPUTES REDRESSAL FORUM, MALAPPURAM.

EXT.P3:- COPY OF THE LETTER DT. 4.8.95 SUBMITTED BY THE PETITIONER TO THE RESPONDENT.

EXT.P4:- COPY OF THE ORDER IN OP.221/94 DT. 11.10.94 OF THE CONSUMER DISPUTES REDRESSAL FORUM, MALAPPURAM.

EXT.P5:- COPY OF THE METER READING VOUCHER DT. 27..696 ISSUED BY THE RESPONDENT.

EXT.P6:- COPY OF THE METER READING VOUCHER DT. 22.3.97 ISSUED BY THE RESPONDENT.

EXT.P7:- COPY OF THE METER READING VOUCHER DT. 21.8.97 ISSUED BY THE 1ST RESPONDENT.

EXT.P8:- COPY OF THE NOTICE NO.BB/96-97/478 DT. 16.12.1997 ISSUED BY THE RESPONDENT.

RESPONDENTS EXHIBITS

EXT.R1(a):- COPY OF THE LETTER FROM THE PETITIONER DT. 5.8.95 TO THE RESPONDENT.

EXT.R1(b):- COPY OF THE ORDER OF THE CONSUMER DISPUTES REDRESSAL FORUM, MALAPPURAM IN OP. NO.168/97 DT. 4.12.97.

EXT.R1(c):- COPY OF THE RELEVANT PAGE OF THE METER READING REGISTER.

/TRUE COPY/

tss

KURIAN JOSEPH J.

O.P. NO.22859 OF 1997

Dated 13th June, 2007.

J U D G M E N T

Petitioner is aggrieved by the demands made by the respondent Assistant Executive Engineer. According to the petitioner, going by Ext.P1 order passed by the Deputy Chief Engineer, there should have been revision of the invoices, since there was change in the user of the premises. There cannot be any dispute that use of the premises as Madrassa will not attract levy under commercial tariff, LT-VII-A. Since the matter was originally considered by the Deputy Chief Engineer, it is only appropriate that the very same authority considers the matter afresh. Accordingly, the writ petition is disposed of as follows :-

In the event of the petitioner filing an appeal against the impugned proceedings before the Deputy Chief Engineer of the Circle within two months from today, the matter will be duly considered by the said authority with notice to the petitioner and appropriate orders in accordance with law will be passed within another six months. The interim order passed by this Court in C.M.P.No.40929/97 will continue till such time.

KURIAN JOSEPH, JUDGE.

tgs

KURIAN JOSEPH, J.

O.P. NO.22859 OF 1997 (U)

J U D G M E N T

Dated 13th June, 2007.